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Date _____

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AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 1618*

House Bill No. 1123

by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 9, is amended by adding a new part to read as follows:

Part 13

UNIVERSITY OF TENNESSEE MEMORIAL RESEARCH CENTER AND HOSPITAL

49-9-1301. (a) The board of trustees is authorized to:

(1) Take all steps necessary for the creation of a private nonprofit corporation under the Tennessee Nonprofit Corporation Act, chapters 51-88 of title 48, Tennessee Code Annotated, for the purpose of operating the University of Tennessee Memorial Research Center and Hospital. The corporation shall have all the rights and powers of a nonprofit corporation under the Tennessee Nonprofit Corporation Act. The corporation shall not be an agency, department, or political subdivision of the state. The corporation shall not be subject to any provisions of law affecting only governmental or public entities;

(2) Enter into contracts with the corporation created under this section for goods, services, and facilities in support of the programs of the university; and

(3) With prior approval of the attorney general and reporter and with prior approval of the state building commission in consultation with the majority and minority leaders of both houses of the general assembly, transfer to a corporation created under this section any or all assets used in or related to operation of the

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University of Tennessee Memorial Research Center and Hospital on such terms and conditions as the trustees deem in the best interest of the university and state; provided, however, that the trustees shall take action to provide for continued support of the education and research missions of the university in the health sciences, including, without limitation, access to facilities that will offer clinical experience for students in the health sciences.

(b) Debts or other obligations of a corporation created under this section shall be payable only from assets of the corporation and shall not be debts or obligations of the state. Neither the university nor the state shall have any legal or other obligation to finance the deficits of, or provide financial support to, the corporation. Effective on the date of transfer of operation of the hospital to a corporation created under this section, neither the state nor the university shall have any legal, financial, or other responsibility or liability for the operation of the hospital or the corporation.

49-9-1302. All meetings of the board of trustees concerning actions authorized by this part 13 shall be conducted as public meetings in accordance with Title 8, Chapter 44, Part 1.

49-9-1303. The University of Tennessee Memorial Research Center and Hospital and its successors shall remain committed to serving the hospital's traditional patients and the health care needs of the City of Knoxville, Knox County, and the surrounding region.

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49-9-1304. In carrying out any transfer of The University of Tennessee Memorial Research Center and Hospital under this part 13, the board of trustees shall make reasonable efforts to provide for the transition of employees from state to non-state employment in an orderly and equitable manner.

49-9-1305. At least sixty (60) days prior to any transfer of assets under this act, the board of trustees shall notify the attorney general and reporter, the state building commission, and the majority and minority leaders of both houses of the general assembly. In deciding whether to approve a transfer of assets under this act, the attorney general and reporter and the state building commission shall consider whether the transfer of assets will comply with the provisions of Section 1303 of this chapter, whether any illegal or improper conflicts of interest exist and whether the transaction is otherwise consistent with laws governing the transfer of state-owned assets.

49-9-1306. Nothing contained in this part 13 shall be deemed or construed to waive or abrogate in any way the sovereign immunity of the state, the university, or any officer or employee of the state or the university.

49-9-1307. This part 13 shall constitute full and complete authority, without regard to the provisions of any other law, for the doing of the acts and things herein authorized and shall be liberally construed to effect the purposes hereof. Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, general, specific or local, the provisions of this chapter shall be controlling.

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49-9-1308. The provisions of this part 13 are severable, and if any provision is held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the remaining provisions shall remain in full force and effect.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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